UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,358	07/25/2003	Peter Migaly	290194-00001	2456

7590   05/22/2009

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EXAMINER
OLSON, ERIC

ART UNIT	PAPER NUMBER
1623	

MAIL DATE	DELIVERY MODE
05/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 2 2 2009

DR. PETER MIGALY
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In re Application of :   :
Peter Migaly   :
Serial No.: 10/627,358   -   : PETITION
Filed: July 23, 2003   :
                :

This is in reply to the petition filed March 13, 2009, presumably under 37 CFR § 1.181, "to overrule a subordinate-Objections on procedural matters".

DISCUSSION

It is pointed out the action of September 12, 2008 is not under final rejection. Hence, the petition is premature (see 37 CFR § 1.181(c)).

In view of the above reason, the petition is **DISMISSED**.

However, the examiner will be instructed to consider applicant's arguments set forth in the petition when the next action is prepared.

Applicant may submit a renewed petition, if desired, after the action is made Final.

Any renewed petition must be submitted within TWO MONTHS of the mail date of this decision in order to be considered timely.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

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